

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

JAY POLITI, ET AL.

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Civil Action No. 4:18-CV-362

(Judge Mazzant/Judge Nowak)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 26, 2020, the report of the Magistrate Judge (Dkt. #141) was entered containing proposed findings of fact and recommendations that Plaintiff Craig Cunningham's Motion for a Default Judgment (Dkt. #136) be granted in part and denied in part, and that Plaintiff be awarded \$1,000.00 as statutory damages against Defendant Moisos Espinosa and \$3,500.00 as statutory damages against Defendants Jasmine Wicks, Jay Politi, Axis Benefit Solutions, Inc., and Axis Advisory Group, Inc. for violations of § 227(b) of the TCPA.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Plaintiff's Motion for a Default Judgment (Dkt. #136) is **GRANTED IN PART** and **DENIED IN PART**. A default judgment shall be entered for Plaintiff.

**IT IS SO ORDERED.**

**SIGNED this 8th day of April, 2020.**



AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE